



## Testimony for the Judicial Proceedings Committee

February 1<sup>st</sup>, 2023

### SB 22 Criminal Procedure – Custodial Interrogation – Codification

#### FAVORABLE

GREGORY BROWN  
PUBLIC POLICY  
COUNSEL

AMERICAN CIVIL  
LIBERTIES UNION  
OF MARYLAND

3600 CLIPPER MILL  
ROAD  
SUITE 350  
BALTIMORE, MD 21211  
T/410-889-8555  
F/410-366-7838

WWW.ACLU-MD.ORG

OFFICERS AND  
DIRECTORS  
HOMAYRA ZIAD  
PRESIDENT

DANA VICKERS  
SHELLEY  
EXECUTIVE DIRECTOR

ANDREW FREEMAN  
GENERAL COUNSEL

The ACLU of Maryland supports SB 22, which would codify Miranda rights for Marylanders. SB 22 would exclude from admissible evidence any statements made by an individual during a custodial interrogation unless they are properly made aware that they have the right to remain silent, that their statements can be used against them, and that they have the right to speak to an attorney before questioning. These protections are integral to the Fifth Amendment right against self-incrimination and the Sixth Amendment right to counsel.

#### **These protections are essential for Black Marylanders and Youth**

Black people in Maryland are more likely, in some places as much as 8 times more likely, to be arrested by the police. Codifying these protections would shore up the constitutional rights of Black Marylanders when they face these arrests and subsequent questioning. In high pressure situations where those who have been arrested are being questioned by police, many are not even aware of their right to counsel nor that they are under no obligation to answer the officer's questions. Law enforcement being legally allowed to present false information to those they are questioning only exacerbates the problem and ultimately serves the goal of mass incarceration.

Children, specifically black children, are particularly vulnerable to making the kinds of incriminating statements that these protections would exclude from admissibility, as they are often unaware of their rights and often attempt to tell law enforcement what they think officers want to hear in order to end the interaction or detention altogether. SB22 would rightly put the onus on law enforcement to inform those that they arrest, detain, and question of their rights to

not answer questions, be advised by counsel, and not incriminate themselves.

For the foregoing reasons the ACLU of Maryland urges a favorable report on SB22.

AMERICAN CIVIL  
LIBERTIES UNION  
FOUNDATION OF  
MARYLAND

AMERICAN CIVIL  
LIBERTIES UNION  
FOUNDATION OF  
MARYLAND

AMERICAN CIVIL  
LIBERTIES UNION  
FOUNDATION OF  
MARYLAND